

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BEN CUMMINGS,

Defendant.

3:11-CR-108-RCJ (VPC)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on February 3, 2012, defendant BEN CUMMINGS pled guilty to Count One of a One-Count Criminal Indictment charging him with Receipt of Child Pornography, in violation of Title 18, United States Code, Section 2252A(a)(2). Docket #1.

This Court finds defendant BEN CUMMINGS agreed to the forfeiture of the property set forth in Forfeiture Allegation of the Criminal Indictment. #1.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Criminal Indictment and the offense to which defendant BEN CUMMINGS pled guilty.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section 2253:

1. Gateway Desktop Computer, Serial Number 0018673498;
2. Gateway Laptop Computer, Serial Number 90701446726;
3. Various Compact Disks;

- 1 4. Lexar 8GB Thumbdrive; and
- 2 5. any book, magazine, periodical, film, videotape, or other matter which contains
- 3 any such visual depiction, which was produced, transported, mailed, shipped,
- 4 or received in violation of Title 18, United States Code, Section 2252A(a)(5)(B)
- 5 ("property").

6 This Court finds the United States of America is now entitled to, and should, reduce the
7 aforementioned property to the possession of the United States of America.

8 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
9 United States of America should seize the aforementioned property.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
11 BEN CUMMINGS in the aforementioned property is forfeited and is vested in the United States of
12 America and shall be safely held by the United States of America until further order of the Court.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
14 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
15 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state
16 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state
17 the name and contact information for the government attorney to be served with the petition,
18 pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
20 with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South
21 Virginia Street, 3rd Floor, Reno, NV 89501.

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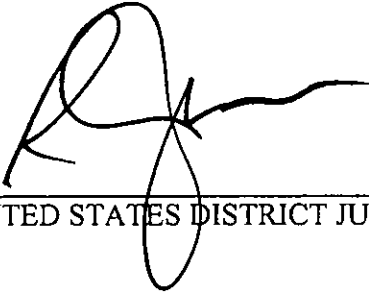
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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
2 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
3 following address at the time of filing:

4 Greg Addington
5 Assistant United States Attorney
6 100 West Liberty Street, Suite 600
7 Reno, NV 89501

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
9 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
10 following publication of notice of seizure and intent to administratively forfeit the above-described
11 property.

12 DATED this 3 day of February, 2012.

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15 UNITED STATES DISTRICT JUDGE
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